

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-35347 – REQUIRED REVIEW – SPECIAL USE PERMIT-

APPLICANT/OWNER: MARIO PENA PENA

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-31367) and all other site related actions as required by the Planning and Development Department and Department of Public Works.
2. This Special Use Permit (SUP-31367) shall be subject to a six-month review at a public hearing at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review; failure to pay the City for these costs may result in termination of use.
3. All illegal signage on the property shall be removed within 10 days of City Council.
4. All City Code requirements and design standards of City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the first Required Review of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. One (1) Code Enforcement case (79251) was processed for outside storage and temporary signage on 06/22/09 that was subsequently closed on 06/29/09. Staff conducted a field check of the site on 08/18/09 and found the outside storage of rims and tires, tires being changed outside an enclosed building, the trash dumpster filled with tires and located outside the trash enclosure area, and temporary signage on the east side of the building. The perimeter landscaping was neat in appearance and was being properly maintained.

The business does not comply with Condition of Approval #2 of the Special Use Permit (SUP-31367) as the business fails to meet the requirements outlined in Title 19.04.010 for an Auto Repair Garage, Minor. Additionally, the business is non-compliant with Condition of Approval #3 by having temporary signage and the outdoor display of products or merchandise without the appropriate permits; therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/04/09	The City Council approved a request for a Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. The Planning Commission recommended denial on 12/04/08.
04/01/09	The Planning and Development Department administratively approved a request for a Minor Site Development Plan (SDR-33534) for exterior improvements to an existing building and landscape area for an Auto Repair Garage, Minor at 1550 North Rancho Drive.
04/12/09	A Code Enforcement case (76675) was processed for a car wash at a closed commercial business location at 1550 North Rancho Drive. Code Enforcement closed the case on 04/27/09.
06/22/09	A Code Enforcement case (79251) was processed for outside storage of tires in the front and rear of the business next to a house, along with temporary signage at 1550 North Rancho Drive. Code Enforcement closed the case on 06/29/09.

<i>Related Building Permits/Business Licenses</i>	
07/19/07	A building permit (94108) was issued for a non-work certificate of occupancy for an Auto Repair Garage, Minor at 1550 North Rancho Drive. The permit was finalized on 10/29/07.
04/06/09	A business license (A39-00490) was issued for auto glass installation at 1550 North Rancho Drive.
05/19/09	A business license (A39-00475) was issued for retail sales and installation of tires, and auto accessories at 1550 North Rancho Drive.
06/03/09	A business license (R05-00642) was issued for a take-out cart at 1550 North Rancho Drive.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	
<i>Field Check</i>	
08/18/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> • Tires were being changed outside of the repair bays • Outside storage of rims and tires in the front of the business • The dumpster was outside the trash enclosure area and was completely full of tires • A banner was hung on the side of the building advertising window tinting service • The perimeter landscaping was in good condition and appeared well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.49

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment	SC (Service Commercial)	C-2 (General Commercial)
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 feet)			Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first Required Review of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. Since the approval of the Special Use Permit (SUP-31367) six months ago, there has been one Code Enforcement case (79251) processed for outside storage and temporary signage at the site that was subsequently closed on 06/29/09. During a field inspection of the subject site on 08/18/09, staff found outside storage of rims and tires, tires being changed outside an enclosed building, the trash dumpster filled with tires and located outside the trash enclosure area, and temporary signage on the east side of the building. The perimeter landscaping was being properly maintained and neat in appearance. The parking spaces and loading zone comply with Title 19 requirements and the previously approved plans.

FINDINGS

The business does not comply with Condition of Approval #2 and #3 of the Special Use Permit (SUP-31367). Title 19.04.010 mandates that an Auto Repair Garage, Minor have all repair and service performed within a completely enclosed building; and prohibits the outside storage of stock, equipment, or residual used equipment in any open area outside the enclosed building. Condition of Approval #3 prohibits temporary signage or the outdoor display of products or merchandise without the appropriate permits. As the business is non-compliant with the conditions of the Special Use Permit, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 297

APPROVALS 0

PROTESTS 0